



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,513	04/21/2008	Susan L. Lindquist	17481-002US1	1131
26211	7590	05/03/2010		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BAEK, BONG-SOOK	
			ART UNIT 1614	PAPER NUMBER
			NOTIFICATION DATE 05/03/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/599,513	Applicant(s) LINDQUIST ET AL.	
	Examiner BONG-SOOK BAEK	Art Unit 1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

Status of the Claims

Claims 1-21 are currently pending and are subject to restriction and/or election requirement.

Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-4 drawn to a method of inhibiting alpha synuclein (aS) mediated toxicity, the method comprising contacting a cell expressing aS with a composition comprising an amount of various compound effective to inhibit aS mediated toxicity in the cell.

Group II, claims 5-6 drawn to a method of treating or preventing Parkinson's disease, the method comprising administering to an individual in need thereof a pharmaceutical composition comprising a therapeutically effective amount of various compounds.

Group III, claims 7-12 drawn to a method of inhibiting huntingtin (htt) mediated toxicity, the method comprising contacting a cell expressing htt with a composition comprising an amount of a compound effective to inhibit htt mediated toxicity in the cell.

Art Unit: 1614

Group IV claims 13-15 drawn to a method of treating or preventing Huntington's disease, the method comprising administering to an individual in need thereof a pharmaceutical composition comprising a therapeutically effective amount of various compounds.

Group V claims 16-21 drawn to a method of identifying a compound that inhibits aS mediated toxicity, the method comprising: providing a yeast cell expressing an amount of aS that reduces viability of the cell; contacting the cell with candidate agent.

An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The claims herein lack unity of invention under PCT rule 13.1 and 13.2 since, under 37 CFR 1.475(a).

Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Groups I to V lack unity of invention under 37 CFR 1.475 since the five groups (I-V) are not unified by the same or corresponding special feature because each method is directed to a different use and involves different method steps and administering different compounds agents.

Art Unit: 1614

Accordingly there is no same or corresponding special technical features unifying Groups I-V and thereby they lack unity.

Species Election

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

If applicant selects Group I or II, one species from different compounds in the following list should be elected to be fully responsive. The following is the list of compounds:

nordihydroguaiaretic acid, ibuprofen, D,L-a-hydroxy-butyric acid, m-cresol, hexachlorophene, ruthenium red, sodium metasilicate, sodium metavanadate, sodium cyanide, and tetracycline.

The species listed above do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since the species do not share common technical features.

If applicant selects Group III or IV, one species from different compounds in the following list should be selected to be fully responsive. The following is the list of compounds:

clioquinol (8-Hydroxyquinoline, 5,7-Dichloro-8-hydroxy-quinaldine, or 8-Hydroxy-5-nitroquinoline), histidine-containing dipeptide, nordihydroguaiaretic acid, m-cresol, and guanidine hydrochloride

The species listed above do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since the species do not share common technical features.

Art Unit: 1614

If applicant selects Group V, one species from different compounds in the following list should be selected to be fully responsive. The following is the list of compounds: a fungicide, lipooxygenase inhibitor, prostaglandin synthetase inhibitor, membrane detergent, electron transporter, mitochondrial Ca⁺⁺ porter, toxic anion, and antibiotic.

The species listed above do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since the species do not share common technical features.

If applicant selects Group V, one species from different wild type genes in the following list should be selected to be fully responsive. The following is the list of wild type genes: CHD5, CPT2, CTH, AMPD2, AMPD1, CHD1L, NIT1, ACOX2, NIT2, ENPP6, SMARCA5, ENPEP, SMARCA4, ACOX3, ARTS-1, LNPEP, LRAP, CHD1, SOD2, HBS1L, ENPP3, ENPP1, EEF1A1, ENPP5, CROT, UBE2H, RAD54B, CRAT, SMARCA2, CHAT, ERCC6, HELLS, SUPV3L1, BTAF1, AMPD3, CPT1A, EP400, TRHDE, CHD4, ATP7B, CHD2, ANPEP, KIAA1259, HAGH, GSPT1, SRCAP, FLJ12178, ACQX1, NPEPPS, PEMT, CPT1C, SMARCA4, EEF1A2, ARFRP1, CHD6, CPT1B, GSPT2, ATP7A, and SMARCA1.

The species listed above do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since the species do not share common technical features.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An

Art Unit: 1614

argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BONG-SOOK BAEK whose telephone number is 571-270-5863. The examiner can normally be reached on 8:00-5:00 Monday-Thursday.

Art Unit: 1614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian-Yong S Kwon/
Primary Examiner, Art Unit 1614
/Bbs/

Bong-Sook Back
Examiner, Art Unit 1614